

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

Application No.: 09/319,699  
International Application: PCT/DE97/02908  
I.A. Filing Date: 8 December 1997  
Inventor: Lippert et al.  
For: Silicon Germanium Hetero Bipolar Transistor

86 Sparks Street  
Cambridge, MA 02138-2216

17 July 1999

Hon.  
Assistant Commissioner for Patents  
**Box PCT**  
Washington, DC 20231

**Response to Notification of Missing Requirements**

Sir:

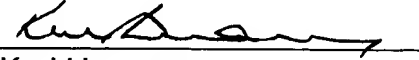
Enclosed are copies of Forms PCT/DO/EO/905 and 913 raising the allegation that the text in the drawings has not been properly translated. It is assumed that what is meant is that in Fig. 2 the German legend "Einbau von Kohlenstoff" was not presented in English as --Incorporation of Carbon--.

Applicants have had the Fig. in question revised and are pleased, under cover hereof, to submit it properly legended in English.

As a matter of precaution *and under protest*, there is also enclosed check No. 5079 for \$130.00 pursuant to 37 CFR 1.492(f). It is, however, respectfully urged that this fee is not required and is, therefor, requested to be refunded, because the missing English legend in the originally submitted drawing is not a matter of "English translation after ... thirty months from priority date" but, rather, a defect in the drawing which under common U.S.

patent prosecution practice would have been corrected without any Patent Office fee after issuance of a notice of allowability.

Respectfully submitted,



Karl Hormann  
Registration No.: 26,470

Area Code (617)-491-8867

**Certificate of Mailing - 37 CFR 1.8** - I hereby certify that this correspondence is being deposited today with the United States Postal Service as FIRST CLASS MAIL in an envelope with sufficient postage attached and addressed to the Hon. Assistant Commissioner for Patents, Washington, DC 20231.



Karl Hormann  
Date: 17. July 1999

09/319699



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO. 09/319,699	FIRST NAMED APPLICANT LIPPERT	ATTY. DOCKET NO. 990326
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LAW OFFICES OF KARL HORMANN  
86 SPARKS STREET  
CAMBRIDGE MA 02138-2216

5071

INTERNATIONAL APPLICATION NO.

PCT/DE97/02908

I.A. FILING DATE

PRIORITY DATE

12/08/97

12/09/96

DATE MAILED:

07/08/99

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☒ a non-English language.  
☐ English.  
☒ Translation of the international application into English.  
☒ Oath or Declaration of inventors(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☐ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☒ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☒ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☒ Statement Claiming Small Entity Status.  
☒ Priority Document.  
☒ Copy of the International Search Report ☒ and copies of the references cited therein.  
☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☒ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☒ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 308-9116

RECEIVED

JUL 15 1999

LAW OFFICES  
OF KARL HORMANN

09/319699



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Box PCT  
Washington, D.C. 20231

US APPLICATION NO.

ATTACHMENT TO FORM PCT/DO/EO/

### NOTICE OF DEFECTIVE TRANSLATION

The received translation is defective because:

- ☒ (1) The text in the drawings has not been properly translated;
- ☐ (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing;
- ☐ (4) Other.

John Anderson  
Telephone: (703) 308-9116